

REMARKS

As the Office Action was “Final”, this reply is submitted under the provisions of 37 C.F.R. §§1.113 and 116. It is believed that the amendment will require only a cursory review by the Examiner and such amendment clearly places the application in a condition for allowance. In the event that the Examiner should not find the application in a condition for allowance, the amendment is believed to remove issues for appeal and should accordingly be entered. Reconsideration of the application is respectfully requested.

1. Summary of the Office Action.

Claims 1 and 3-7 were pending.

Claims 1, 3-5 and 7 stand rejected under 35 U.S.C §103(a) over Peleg (4,837,990) in view of Durham (3,162,920).

Claim 6 stands rejected under 35 U.S.C §103(a) over Peleg in view of Durham, and further in view of Robinson (4,651,466).

2. Discussion.

Independent Claim 1

The present invention relates to a polytunnel including hoop shaped cover support members 14 over which a cover is stretched. The polytunnel is height adjustable with the cover in situ (i.e. with the

cover on) so that during different parts of the growing season the height or volume can be easily and quickly varied to minimize heating requirements, maximize ventilation, or minimize the risk of wind or storm damage to the polytunnel. This is achieved by: (1) connecting the cover support members to leg members 12 using brackets 22 which are height adjustably secured to the leg members, and (2) height adjustable rope anchorage points 22a disposed on the bracket which permit height adjustment without removing the cover securement ropes that extend between the points. Height adjustment in situ is thus greatly simplified. These features are not fully met by the applied art for the following reasons.

1. *Peleg Does Not Disclose Height Adjustability In Situ.* The Examiner's position is that **Peleg** discloses, at Column 3, polytunnel height adjustment in situ. Applicant respectfully disagrees. The text at Column 3 is not referring to adjustment of the height of the polytunnel. Rather it is simply referring to making leveling adjustments to accommodate unevenness or sloping of the surface upon which the polytunnel is erected. There is no suggestion in **Peleg** that such adjustment is undertaken with the cover 6 in situ, and as the technique used to secure the cover in position uses an elongate tube or pipe 18, it appears that any such adjustment would have to be undertaken prior to installation of the cover or after removal thereof.

2. *It Would Not Be Obvious To Combine Durham's Feature With Peleg.* The Examiner is correct in noting that **Peleg** does not describe or disclose moveable rope anchorage points. However, it should be emphasized that **Peleg** fails to disclose rope anchorage points of any type, whether moveable or not. The Examiner also correctly points out that **Durham** discloses moveable rope anchorage. However, it would not be obvious to a man skilled in the art to incorporate the moveable rope anchorages 20 of **Durham** in the polytunnel of **Peleg**. As mentioned above, **Peleg** does not have any form of rope anchorage, and instead uses tube or pipe to secure the cover against movement. It would not be possible to easily incorporate the moveable rope anchorages of **Durham** into the **Peleg** shelter. Even if it could be regarded

as obvious to do so, the rope anchorages of Durham are intended for use in securing guy ropes 12 between the ground and the cover. Consequently, any adjustment of height requires all of the guy rope lengths to be adjusted. In the arrangement of the invention, the ropes extend between the rope anchorages over the cover. During height adjustment operations, no significant adjustment of the ropes needs to be undertaken.

3. Claim 1 is amended to Require The Rope Anchorage Points Be On the Bracket. Finally, Claim 1 is amended to specify that the moveable rope anchorage points are associated with the brackets. Neither Peleg nor Durham disclose, suggest nor render obvious this feature. The feature directly relates to the in situ adjustability benefits of the invention.

For all of the reasons discussed above, the amended claim is believed to be clearly allowable.

3. Conclusion.

The claims pending after this amendment are believed to be patentable for the reasons stated above. The amendments are believed to be supported by the specification, claims and drawings as filed. It is believed that this case is now in a condition for allowance. Reconsideration and favorable action are respectfully requested.

Should the Examiner believe that telephone communication would advance the prosecution of this case to finality, he is invited to call at the number below.

It is respectfully requested that, if necessary to effect a timely response, this paper be considered as a Petition for an Extension of Time under 37 CFR 1.136(a), provided a Petition is not submitted separately.

Please charge any fee due not paid by a check or credit card provided herewith, and/or charge any underpayment in any fee, and/or credit any overpayment in fee, to Deposit Account No. 19-2381.

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Respectfully submitted,



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